

## **Erosion Control and Pre-Approval Requirements for Land Disturbing Activities Fact Sheet**

**1. Is single-family residential exempt from Erosion Control requirements?**

No. The Ordinance makes no mention of “Residential” or “Commercial”, only Land-disturbing activity.

**2. How much may I clear or grade without requiring an Erosion Control Plan and a Land-disturbing permit?**

In general, a disturbance of less than 20,000 square feet does not require a pre-approved Erosion Control plan and land-disturbing permit. However, if you are in the University Lake, Cane Creek or Upper Eno Watershed, the Planning Department’s Erosion Control Division reviews any proposed disturbance.

**3. I am in the one of those Watersheds. What do I do?**

- Your Building Permit Application notes amount of disturbance, watershed, stream buffers and related information. If your project disturbs less than 10,000 square feet (roughly ¼ of an acre) AND has no stream buffers, stormwater easements or similar complicating factors, Erosion Control staff may grant a Waiver.
- The Owner (or Applicant) must sign the Waiver to expedite the review process (Waiver included in the application packet). If you are not sure what watershed you are in, our software will recognize a Protected Watershed PIN number and automatically generate a Waiver form for you to sign when you submit your Application. No fees will be charged nor are additional pre approval of Erosion Control required for waivers.

NOTE: This is NOT an exemption from the requirements of the Unified Development Ordinance, rather a judgment call by Staff allowed under the Ordinance that your project will not adversely affect University Lake, Cane Creek or the Upper Eno Watersheds or their tributaries.

**4. I plan to disturb more than 10,000 square feet in a protected Watershed.**

- Disturbance of more than 10,000 square feet will require pre-approval from Erosion Control.
- Fill out the Application for Erosion Control and Statement of Financial Responsibility, pay the fees and submit an erosion control plan to the Erosion Control Division.

**5. I plan to disturb more than 10,000 square feet, but not in a Protected watershed.**

- Outside of the three protected Watersheds, the threshold for land-disturbance requiring pre-approval from Erosion Control rises to 20,000 square feet.
- If you are NOT in a Protected Watershed and are NOT exceeding 20,000 square feet of disturbance, then no application or pre-approval by Erosion Control is required.
- Any disturbance of 20,000 square feet or more requires pre approval by Erosion Control.

**Historical Note:**

Staff recommended that the same protections enjoyed by University Lake since December 30, 1975 be extended to the Cane Creek (Town of Chapel Hill & Carrboro) and Upper Eno Watersheds (Town of Hillsborough’s reservoir). On June 27, 2002 the Board of County Commissioners voted to approve Staff recommendations. All three of the County’s Protected Watersheds now have uniform Erosion Control requirements and protections.

**Contact the Erosion Control Division at (919) 245-2586 for assistance.**



## When do I need an erosion control plan, land disturbing permit and/or a stormwater management plan?

**When proposed land disturbance exceeds thresholds listed below.**

WATERSHED			EROSION CONTROL (OC UDO)	STORMWATER (15A NCAC 02B .0265 Jordan Rules; 15A NCAC 02B .0277 Falls Rules)		NUTRIENTS	
				Other	SFH / Duplex or Recreational	N	P
<b>CAPE FEAR</b>	<i>Haw River Arm</i>	Back Creek	20,000	21,780	43,560	3.8	1.43
		Haw Creek	20,000	21,780	43,560	3.8	1.43
		Cane Creek	*10,000	21,780	43,560	3.8	1.43
		Cane Creek Critical Area	*10,000	21,780	43,560	3.8	1.43
		Haw River (protected)	20,000	21,780	43,560	3.8	1.43
		Haw River (unprotected)	20,000	21,780	43,560	3.8	1.43
	<i>U New Hope Arm</i>	Jordan Lake (unprotected)	20,000	21,780	43,560	2.2	0.82
		Jordan Lake (protected)	20,000	21,780	43,560	2.2	0.82
		University Lake	*10,000	21,780	43,560	2.2	0.82
		University Lake Critical Area	*10,000	21,780	43,560	2.2	0.82
<b>NEUSE</b>	<i>Falls Lake</i>	Flat River	20,000	12,000	21,780	2.2	0.33
		Little River	20,000	12,000	21,780	2.2	0.33
		Upper Eno	*10,000	12,000	21,780	2.2	0.33
		Upper Eno Critical Area	*10,000	12,000	21,780	2.2	0.33
		Lower Eno (unprotected)	20,000	12,000	21,780	2.2	0.33
		Lower Eno (protected)	20,000	12,000	21,780	2.2	0.33
<b>ROANOKE</b>	Hyco Creek		20,000	NA	NA	NA	NA
	South Hyco Creek		20,000	43,560	43,560	NA	NA

**Notes:**

1. Thresholds are listed in square feet
2. If part of common plan of development and below above thresholds, please consult NCDEQ for NCG010000 process.
3. Nutrients listed in pounds/acre/year
4. 43,560 square feet = 1 acre
5. Also be aware your site plan may be constrained by riparian buffer requirements and impervious limitations, in addition to typical zoning setback requirements.
6. **Jordan Lake nutrient export regulations not currently enforced.** \*Waiver required